

**CORRECTED PERMIT****APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**Date of filing in State Engineer's Office AUG 05 2004

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_

Map filed AUG 05 2004

\*\*\*\*\*

The applicant **Thomas K. Rohan and Shawn Rohan, Trustees of the 1999 Curmudgeon Trust dated June 24, 1999** hereby makes application for permission to change the **Point of Diversion and Place of Use of a portion** of water heretofore appropriated under **Proof 02040 (Certificate 398)**

\*\*\*\*\*

1. The source of water is **Peterson Creek & Tributaries**
2. The amount of water to be changed **0.255, not to exceed 51.05 acre-feet (10.21 acres)**
3. The water to be used for **as decreed (irrigation, stockwatering & domestic)**
4. The water heretofore permitted for **unchanged**
5. The water is to be diverted at the following point **SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 21, T.23N., R.18E., M.D.B.&M, or at a point from which the S $\frac{1}{4}$  Corner of Section 21, T.23N., T.18E., M.D.B.&M. bears S. 66°15'10" W., a distance of 2335.00 feet**
6. The existing permitted point of diversion is located within **See Attachment "A"**
7. Proposed place of use **A total of 10.21 acres within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 21, T.23N., R.18E., M.D.B.&M. (Washoe County APN 78-101-10)**
8. Existing place of use **See Attachment "B"**
9. Use will be from **March 15 to November 1** of each year.
10. Use was permitted from **March 15 to November 1** of each year.
11. Description of proposed works **Diversion box on Peterson Creek, thence by booster pump, pipeline and tanks to the proposed place of use.**
12. Estimated cost of works **\$15,000.00**
13. Estimated time required to construct works **Three (3) years**
14. Estimated time required to complete the application of water to beneficial use **Five (5) years**
15. Remarks: **This application is being filed to transfer that portion of Proof 02040 (Certificate 398) appurtenant to the applicant's property (APN 78-101-10). The existing point of diversion is no longer capable of delivering water to the applicant's property hence this application is being filed. For existing point of diversion & place of use, refer to map filed under Proof 02040.**

By **Gregory M. Bilyeu**  
**s/Gregory M. Bilyeu**  
**500 Damonte Ranch Parkway, #1056**  
**Reno, NV 89521**

Compared sg/ sc lt/ gkl

Protested \_\_\_\_\_

# CORRECTED PERMIT

71543

Page 2 of 4

\*\*\*\*\*

## APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of Peterson Creek and tributaries, as heretofore appropriated under Proof 02040, Certificate 398, as appears in the Matter of the Determination of the Relative Rights in and to the waters of Peterson Creek and its tributaries, in the District Court of the Second Judicial District of the State of Nevada, in and for the County of Washoe, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.255 cubic feet per second, **but not to exceed 51.05 acre-feet annually as decreed.**

Work must be prosecuted with reasonable diligence and be completed on or before:

**March 24, 2008**

Proof of completion of work shall be filed on or before:

**April 24, 2008**

Water must be placed to beneficial use on or before:

**March 24, 2011**

Proof of the application of water to beneficial use shall be filed on or before:

**April 24, 2011**

Map in support of proof of beneficial use shall be filed on or before:

**April 24, 2011**

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 7th day of April, A.D. 2006

  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

Proof No. 02040

Certificate Record No. 398

ATTACHMENT "B"

PRIOR-:CULTURAL ACREAGE:			SUB- : LOCATION :			DUTY OF WATER	
ITY :	HARVEST:	MEADOW :	DIVISION:	SEC-:TWP:RGE:		C.F.S. :	ACRE-FEET
:	:	PASTURE:	:	TION: N.: E.:			
1884	2.75		SE $\frac{1}{4}$ SE $\frac{1}{4}$	4	23	18	0.069 13.75
1884	16.44		NE $\frac{1}{4}$ NE $\frac{1}{4}$	9	23	18	0.411 82.20
1884	4.00	.87	SE $\frac{1}{4}$ NE $\frac{1}{4}$	9	23	18	0.122 22.61
1884		.25	NE $\frac{1}{4}$ SE $\frac{1}{4}$	9	23	18	0.006 0.75
1884	3.19	.50	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10	23	18	0.092 17.45
1884	1.69		NW $\frac{1}{4}$ NW $\frac{1}{4}$	10	23	18	0.042 8.45
1884	.25		NW $\frac{1}{4}$ SW $\frac{1}{4}$	10	23	18	0.006 1.25
1884	6.49		SW $\frac{1}{4}$ SW $\frac{1}{4}$	10	23	18	0.162 32.45
1884		7.87	SW $\frac{1}{4}$ NW $\frac{1}{4}$	15	23	18	0.197 23.61
1884		1.81	SE $\frac{1}{4}$ NW $\frac{1}{4}$	15	23	18	0.045 5.43
1884	29.62		NW $\frac{1}{4}$ SW $\frac{1}{4}$	15	23	18	0.741 148.10
1884	17.31		NE $\frac{1}{4}$ SW $\frac{1}{4}$	15	23	18	0.433 86.55
1884	26.87		SW $\frac{1}{4}$ SW $\frac{1}{4}$	15	23	18	0.672 134.35
1884	20.75		SE $\frac{1}{4}$ SW $\frac{1}{4}$	15	23	18	0.519 103.75
1884	31.87		NW $\frac{1}{4}$ NW $\frac{1}{4}$	22	23	18	0.797 159.35
1884	13.00		NE $\frac{1}{4}$ NW $\frac{1}{4}$	22	23	18	0.325 65.00
1884	24.75		SW $\frac{1}{4}$ NW $\frac{1}{4}$	22	23	18	0.619 123.75
1884	2.75		SE $\frac{1}{4}$ NW $\frac{1}{4}$	22	23	18	0.069 13.75
1884	17.93	.25	NW $\frac{1}{4}$ SW $\frac{1}{4}$	22	23	18	0.454 90.40
1884	3.50	10.06	SW $\frac{1}{4}$ SW $\frac{1}{4}$	22	23	18	0.339 47.68
1884	18.12		NE $\frac{1}{4}$ SE $\frac{1}{4}$	21	23	18	0.453 90.60
1884	28.12	.62	SE $\frac{1}{4}$ SE $\frac{1}{4}$	21	23	18	0.719 142.46
1884	1.19		NW $\frac{1}{4}$ SE $\frac{1}{4}$	21	23	18	0.030 5.95
1884	4.06		SW $\frac{1}{4}$ SE $\frac{1}{4}$	21	23	18	0.101 20.30
Totals		274.65	22.23				7.423 1,439.94

Place of use being removed from irrigation consists of 10.21 acres within Section 21, T.23N., R.28E., M.D.B. & M. as follows:

0.2 acres NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
0.9 acres NE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
7.8 acres SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
1.31 acres SW  $\frac{1}{4}$  SE  $\frac{1}{4}$

Proof No. 02040

Certificate Record No. 398

## Attachment "A"

## Points of Diversion:

1. SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 21, T. 23 N., R. 18 E., M.D.B.&M., or at a point from which the NW corner of Section 22, T. 23 N., R. 18 E., bears N. 19° 00' E., a distance of 4,740 feet.
2. SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 22, T. 23 N., R. 18 E., M.D.B.&M., or at a point from which the NW corner of said Section 22, T. 23 N., R. 18 E., bears N. 10° 00' W., a distance of 5,200 feet.
3. NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 22, T. 23 N., R. 18 E., M.D.B.&M., or at a point from which the NW corner of said Section 22, T. 23 N., R. 18 E., bears N. 8° 00' W., a distance of 3,490 feet.
4. SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 22, T. 23 N., R. 18 E., M.D.B.&M., or at a point from which the NW corner of said Section 22, T. 23 N., R. 18 E., bears N. 21° 00' W., a distance of 2,200 feet.
5. NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 22, T. 23 N., R. 18 E., M.D.B.&M., or at a point from which the NW corner of said Section 22, T. 23 N., R. 18 E., bears N. 55° 00' W., a distance of 1,020 feet.
6. SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 15, T. 23 N., R. 18 E., M.D.B.&M., or at a point from which the NW corner of Section 22, T. 23 N., R. 18 E., bears S. 76° 30' W., a distance of 1,030 feet.
7. SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 15, T. 23 N., R. 18 E., M.D.B.&M., or at a point from which the NW corner of Section 22, T. 23 N., R. 18 E., bears S. 55° 30' W., a distance of 1,520 feet.
8. NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 15, T. 23 N., R. 18 E., M.D.B.&M., or at a point from which the NW corner of Section 22, T. 23 N., R. 18 E., bears S. 43° 00' W., a distance of 1,870 feet.
9. SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 10, T. 23 N., R. 18 E., M.D.B.&M., or at a point from which the NW corner of Section 15, T. 23 N., R. 18 E., bears S. 52° 30' W., a distance of 920 feet.
10. NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 9, T. 23 N., R. 18 E., M.D.B.&M., or at a point from which the NW corner of Section 10, T. 23 N., R. 18 E., bears N. 3° 00' E., a distance of 2,710 feet.
11. SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 9, T. 23 N., R. 18 E., M.D.B.&M., or at a point from which the NW corner of Section 10, T. 23 N., R. 18 E., bears N. 0° 40' E., a distance of 2,160 feet.
12. SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 9, T. 23 N., R. 18 E., M.D.B.&M., or at a point from which the NW corner of Section 10, T. 23 N., R. 18 E., bears N. 3° 30' E., a distance of 1,620 feet.
13. NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 9, T. 23 N., R. 18 E., M.D.B.&M., or at a point from which the NW corner of Section 10, T. 23 N., R. 18 E., bears N. 4° 00' E., a distance of 1,140 feet.
14. NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 9, T. 23 N., R. 18 E., M.D.B.&M., or at a point from which the NW corner of Section 10, T. 23 N., R. 18 E., bears N. 27° 00' E., a distance of 740 feet.

Point of diversion #1 as listed above is the old point of diversion that formerly served the portion of the place of use being changed by this application. The new point of diversion will serve the proposed place of use.

SEE CORRECTED PERMIT

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF  
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office AUG 05 2004

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_

Map filed AUG 05 2004

\*\*\*\*\*

The applicant **Thomas K. Rohan and Shawn Rohan, Trustees of the 1999 Curmudgeon Trust dated June 24, 1999** hereby makes application for permission to change the **Point of Diversion and Place of Use of a portion** of water heretofore appropriated under **Proof 02040 (Certificate 398)**

\*\*\*\*\*

1. The source of water is **Peterson Creek & Tributaries**
2. The amount of water to be changed **0.255, not to exceed 51.05 acre-feet (10.21 acres)**
3. The water to be used for as **decreed (irrigation, stockwatering & domestic)**
4. The water heretofore permitted for **unchanged**
5. The water is to be diverted at the following point **SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 21, T.23N., R.18E., M.D.B.&M, or at a point from which the S $\frac{1}{4}$  Corner of Section 21, T.23N., T.18E., M.D.B.&M. bears S. 66°15'10" W., a distance of 2335.00 feet**
6. The existing permitted point of diversion is located within **See Attachment "A"**
7. Proposed place of use **A total of 10.21 acres within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 21, T.23N., R.18E., M.D.B.&M. (Washoe County APN 78-101-10)**
8. Existing place of use **See Attachment "B"**
9. Use will be from **March 15 to November 1** of each year.
10. Use was permitted from **March 15 to November 1** of each year.
11. Description of proposed works **Diversion box on Peterson Creek, thence by booster pump, pipeline and tanks to the proposed place of use.**
12. Estimated cost of works **\$15,000.00**
13. Estimated time required to construct works **Three (3) years**
14. Estimated time required to complete the application of water to beneficial use **Five (5) years**
15. Remarks: **This application is being filed to transfer that portion of Proof 02040 (Certificate 398) appurtenant to the applicant's property (APN 78-101-10). The existing point of diversion is no longer capable of delivering water to the applicant's property hence this application is being filed. For existing point of diversion & place of use, refer to map filed under Proof 02040.**

By **Gregory M. Bilyeu**  
**s/Gregory M. Bilyeu**  
**500 Damonte Ranch Parkway, #1056**  
**Reno, NV 89521**

Compared sg/ sc lt/ gkl

Protested \_\_\_\_\_

SEE CORRECTED PERMIT

\*\*\*\*\*

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of Peterson Creek and tributaries, as heretofore appropriated under Proof 02040, Certificate 398, as appears in the Matter of the Determination of the Relative Rights in and to the waters of Peterson Creek and its tributaries, in the District Court of the Second Judicial District of the State of Nevada, in and for the County of Washoe, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.055 cubic feet per second, **but not to exceed 51.05 acre-feet annually as decreed.**

Work must be prosecuted with reasonable diligence and be completed on or before:

**March 24, 2008**

Proof of completion of work shall be filed on or before:

**April 24, 2008**

Water must be placed to beneficial use on or before:

**March 24, 2011**

Proof of the application of water to beneficial use shall be filed on or before:

**April 24, 2011**

Map in support of proof of beneficial use shall be filed on or before:

**April 24, 2011**

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **24th** day of **March**, A.D. **2006**

  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_